IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

## Con.Case(C).No. 474 of 2007(S)

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AGAINST THE JUDGEMENT IN OP.21448/2001 Dated 23/03/2006
CONFIRMED IN W.A.NO.1982 OF 2006 DATED 6-11-2006

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PETITIONER/PETITIONER IN THE OP:
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V.K.LEELA,
W/O.LATE UNNIRAMAN,KOLLAIKAL HOUSE,
KANNAMKULANGARA,KOORKANCHERRY,
THRISSUR.

BY ADV. SMT.LEKHA SURESH

RESPONDENTS: RESPONDENTS IN THE OP:
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1. P.G.TENSING,
FATHERS NAME NOT KNOWN TO THE PETITIONER,
SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. N.RAVEENDRAN,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
THE ACCOUNTANT GENERAL (A&E),
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.M.P.SREEKRISHNAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L.DATTU, C.J. & K.M.JOSEPH, J.**

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**Contempt Case (Civil) No.474 of 2007**

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Dated, this the 27th day of November, 2007

**JUDGMENT**

**H.L.Dattu, C.J.**

Alleging that the respondents have wilfully and deliberately disobeyed the orders and directions issued in O.P.No.21448 of 2001, the complainant is before us in this contempt case.

(2). The respondents have been served with notice and they have entered appearance. They have also filed their counter affidavit.

(3). During the pendency of this contempt case, the Government have passed an order in G.O.(Rt) No.5365/07/G.Edn. dated 24-11-2007. The orders passed by the State Government is as under:

GOVERNMENT OF KERALA

Abstract

General Education-Establishment-Judgment in Writ Appeal No.1982/06 filed against the judgment in OP No.21448/01 filed by Smt.V.K.Leela, LPSA (Retired)-Direction Complied with-Further orders Issued.

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GENERAL EDUCATION (B) DEPARTMENT

G.O.(Rt) No.5365/07/G.Edn. Dated, Thiruvananthapuram 24-11-2007

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Read:-1. Judgment dated 8-11-2006 in WA 1982/06 filed against the judgment dated 23-3-2006 in OP No.20448/01 filed by Smt.V.K.Leela, LPSA (Retired).

2. G.O.(Rt) No.945/07/G.Edn. dated 01-3-2007.

3. Fax Message No.CCC/474/07 dated 23-11-2007 from Shri.M.P.Sreekrishnan, Senior Government Pleader, Advocate General's Office, Ernakulam.

ORDER

In the judgment dated 23/3/2006 in OP No.21448/01, the Hon'ble High Court has directed the respondents to grant interest at the rate of 8% from 1-4-95 till the actual disbursement of pension and pensionary benefits and the same shall be done within a period of three months from the date of production of a copy of the judgment. Against the direction in the judgment, Government have filed WA 1982/06 and the same was dismissed on 8-11-2006 by the Hon'ble High Court upholding the judgment in OP No.21448/01.

After examining the case in detail, as per G.O. read as 2nd paper above, Government have directed the Assistant Educational Officer, Thrissur West to comply with the direction as opined by the Hon'ble High Court. Accordingly interest at the rate of 8% at pension and pensionary benefits for the period from 1995 till the disbursement of actual pension have been released by the Assistant Educational Officer to the petitioner.

Meanwhile in the Fax message dated 23-11-2007, the Senior Government Pleader, Shri.M.P.Sreekrishnan has informed that the petitioner's claim is that she has not been given the interest on subsequent revision in pensionary benefits and Dearness Allowance till the actual disbursement of pension and if an order to that effect is not passed, the Secretary will have to appear before the court and face contempt proceedings for the non compliance of the judgment. the message has the approval of the Advocate General, Ernakulam. In the circumstances reported by the Advocate General, Government are pleased to direct the Assistant Educational Officer, Thrissur West to sanction interest on subsequent revision in pension plus Dearness Allowance if any occurred at the rate of 8% from 1-4-1995 till the actual disbursement of pension to Smt.V.K.Leela, LPSA (Retired), Thrissur.

By Order of the Governor,

T.SYAMALAKUMARY AMMA
Deputy Secretary to Government

(4). In view of the subsequent development that has taken place during the pendency of the contempt case, we are of the opinion that this contempt petition need not be proceeded further. Accordingly, the contempt proceedings is dropped for the present.

(5). In view of the order passed in the contempt case I.A.No.650/2007 is closed.

Ordered accordingly.

(**H.L.DATTU)**
**CHIEF JUSTICE**

**(K.M.JOSEPH)**
**JUDGE**

MS